

Rubin, Fiorella, Friedman & M

Attorneys at Law

630 Third Avenue, 3rd Floor
New York, New York 10017

Telephone: (212) 953-2381 / Facsimile: (212) 953-2382

Writer's Direct Dial: 212-447-4605
E-Mail: jmercante@rubinfiorella.com

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 6/21/2022

Via ECF

June 17, 2022

Honorable Analisa Torres
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: **Liberty Mutual Ins. Co. v. Day To Day Imports Inc., et al.**
Case No. 1:22-cv-2181 (S.D.N.Y.)

Dear Judge Torres:

We represent defendants Day to Day Imports Inc., Osgord Inc., and Stanzino Inc in the captioned insurance coverage action. The parties jointly request an adjournment of the time to submit a joint Case Management Plan and Scheduling Order scheduled for June 17, 2022. This is the second request.

Plaintiff previously agreed to extend Day to Day's time to answer, move or otherwise appear until June 6, 2022. By letter dated May 26, 2022, pursuant to Rule III. B of Your Honor's Individual Practice Rules the undersigned advised counsel for plaintiff that we anticipated filing a motion to dismiss pursuant to Rule 12 (b) of the Federal Rules. The issue is whether complete diversity exists between plaintiff and all of the defendants. Plaintiff has now advised that it seeks to dismiss the potentially non-diverse defendants from the case and has requested consent to file an amended complaint. The undersigned consents to the filing of an amended complaint, but because we have not yet had an opportunity to fully consider the circumstances of the proposed amended complaint, we reserve the right to move to dismiss if there is a basis to do so.

Accordingly, the parties jointly request that the time to submit the Case Management Plan and Scheduling Order be adjourned until July 18, 2022.

GRANTED.

SO ORDERED.

Dated: June 21, 2022
New York, New York


ANALISA TORRES
United States District Judge